

2009 DRAFTING REQUEST

Bill

Received: 10/08/2009

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Sondy Pope-Roberts (608) 266-3520**

By/Representing: **Tom McCarthy**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Rep.Pope-Roberts@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

School bus stops on private roads and driveways

Instructions:

Wants redraft of 2003 AB-457

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 10/12/2009	csicilia 10/15/2009		_____			
/1			phenry 10/15/2009	_____	mbarman 10/15/2009	lparisi 10/21/2009	

FE Sent For: **NONE**

<END>

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/?	agary	1 cis 10/14 09	15 ph	10 15 ph			
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FE Sent For:

<END>

2005 - 2006 LEGISLATURE

2005 BILL

SAME AS 2003 AB-457
except for one technical change

D-NOTE

Can Cat

P. W. F.

AN ACT *to amend* 346.48 (1), 346.48 (2) (a), 346.48 (2) (b) 1., 346.48 (2) (b) 2.,
346.48 (2) (c), 346.48 (3) and 349.21 (1) of the statutes; **relating to:**
applicability to private roads and driveways of certain rules of the road
governing passing school buses.

Analysis by the Legislative Reference Bureau

Current law requires motorists who approach a school bus that is stopped on a public road and is displaying flashing red lights to stop their approaching vehicle not less than 20 feet from the bus and to remain stopped until the bus resumes motion or the bus driver extinguishes the flashing red warning lights. A motorist who violates this requirement may be required to forfeit not less than \$30 nor more than \$300. The owner or lessee of a vehicle that violates these requirements may be held liable for the violation under this state's "vehicle owner liability" law, under which a school bus driver who observes a violation may report the violation to police.

This bill extends these stopping requirements to private roads and driveways. A "private road or driveway" is every way or place in private ownership and used for vehicular travel only by the owner and those having express or implied permission from the owner, and every road or driveway upon the grounds of public institutions (other than public schools) or institutions under the jurisdiction of the county board of supervisors. Under the bill, any motorist who approaches a school bus that is stopped on a public road or on a private road or driveway must stop the vehicle not less than 20 feet from the bus and must remain stopped until the bus resumes motion or the bus driver extinguishes the flashing red warning lights. The "vehicle owner

FROM 2005 LRB 2832/1

soon

-3651/1

LRB-2832/1

ARG:cjs:cs

RMNR

slays

in 10/12

9

9


10

statcomp ✓
SA 05
SA 07
SA 09
KWB

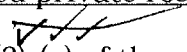
BILL

liability” law applies to such violations committed on private roads or driveways. The bill also prohibits a school bus driver from displaying flashing red lights on a private road or driveway under circumstances where such a display would be prohibited on a public road.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

 SECTION 1. 346.48 (1) of the statutes is amended to read:

346.48 (1) The operator of a vehicle which approaches from the front or rear any school bus which has stopped on a street ~~or~~ highway, or private road or driveway when the bus is equipped according to s. 347.25 (2) and when it is displaying flashing red warning lights, shall stop the vehicle not less than 20 feet from the bus and shall remain stopped until the bus resumes motion or the operator extinguishes the flashing red warning lights. The operator of any school bus which approaches from the front or rear any school bus which has stopped and is displaying flashing red warning lights shall display its flashing red lights while stopped. This subsection does not apply to operators of vehicles proceeding in the opposite direction on a divided highway or divided private road or driveway.

 SECTION 2. 346.48 (2) (a) of the statutes is amended to read:

346.48 (2) (a) Except as provided in par. (b), the operator of a school bus equipped with flashing red warning lights as specified in s. 347.25 (2) shall actuate such lights at least 100 feet before stopping to load or unload pupils or other authorized passengers, and shall not extinguish such lights until loading or unloading is completed and persons who must cross the highway or private road or driveway are safely across. Where the curb and sidewalk are laid on one side of the road highway or private road or driveway only, the operator shall use the flashing red warning lights when loading or unloading passengers from either side.

BILL

✓✓✓
1 **SECTION 3.** 346.48 (2) (b) 1. of the statutes is amended to read:

2 346.48 (2) (b) 1. Special school bus loading areas where the bus is entirely off
3 the traveled portion of the highway or private road or driveway.

✓✓✓
4 **SECTION 4.** 346.48 (2) (b) 2. of the statutes is amended to read:

5 346.48 (2) (b) 2. Residence or business districts when pupils or other authorized
6 passengers are to be loaded or unloaded where a sidewalk and curb are laid on both
7 sides of the ~~road~~ highway, or private road or driveway, unless required otherwise by
8 municipal ordinance enacted under s. 349.21 (1).

✓✓✓
9 **SECTION 5.** 346.48 (2) (c) of the statutes is amended to read:

10 346.48 (2) (c) When a school bus is being used on a highway or private road or
11 driveway for purposes other than those specified in s. 340.01 (56) (a) and (am), the
12 flashing red warning lights shall not be used, and all markings on the front and rear
13 of the bus indicating it is a school bus shall be removed or completely concealed;
14 except that any time a motor vehicle is equipped as provided under ss. 347.25 (2) and
15 347.44 and is transporting children for any purpose, the school bus markings may
16 remain unconcealed and the flashing red signals may be used as provided in this
17 section and when so used, sub. (1) applies to operators of other motor vehicles.

✓✓✓
18 **SECTION 6.** 346.48 (3) of the statutes is amended to read:

19 346.48 (3) If the operator of a motor vehicle overtakes a school bus which is
20 stopped and is loading or unloading pupils or other authorized passengers at an
21 intersection on the right side of a roadway or private road or driveway in a business
22 or residence district in which the display of the flashing red warning lights on the
23 school bus is not permitted, the operator shall pass at a safe distance to the left of the
24 school bus and shall not turn to the right in front of the school bus at that intersection.

✓✓✓
25 **SECTION 7.** 349.21 (1) of the statutes is amended to read:

BILL

SECTION 7

1 349.21 (1) The governing body of any town, city, village, or county may by
2 ordinance provide for the use of flashing red warning lights by school bus operators
3 in a residence or business district when pupils or other authorized passengers are
4 to be loaded or unloaded at a location at which there are no traffic signals and such
5 persons must cross the street or, highway, or private road or driveway before being
6 loaded or after being unloaded.

Effective date

Change component
8
SECTION 8. ~~Initial applicability.~~

(1) This act ~~first applies to motor vehicles operated~~ on the first day of the 5th
month beginning after publication.

(END)

fix
components

D-NOTE

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3651/1dn

ARG:.....

j's

_____ *late* _____

ATTN: Tom McCarthy

This is a redraft of 2003 AB-457. Section 8 of that bill does not conform to LRB drafting conventions. I have revised that provision to make it an effective date provision, in order to conform to LRB drafting conventions.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3651/1dn
ARG:cjs:ph

October 15, 2009

ATTN: Tom McCarthy

This is a redraft of 2003 AB-457. Section 8 of that bill does not conform to LRB drafting conventions. I have revised that provision to make it an effective date provision, in order to conform to LRB drafting conventions.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

Parisi, Lori

From: McCarthy, Tom
Sent: Wednesday, October 21, 2009 3:12 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-3651/1 Topic: School bus stops on private roads and driveways

Please Jacket LRB 09-3651/1 for the ASSEMBLY.